

Memo

To: Labor and Public Employees Committee
From: Robert J. Brothers, Jr., Executive Director
Date: March 4, 2010
Re: **HB 5234, AN ACT PREVENTING A LABOR ORGANIZATION FROM
WAIVING AN EMPLOYEE'S RIGHT TO BRING A CIVIL ACTION FOR A
CIVIL RIGHTS VIOLATION AGAINST AN EMPLOYER**

The Commission **STRONGLY SUPPORTS HB 5234**, AN ACT PREVENTING A LABOR ORGANIZATION FROM WAIVING AN EMPLOYEE'S RIGHT TO BRING A CIVIL ACTION FOR A CIVIL RIGHTS VIOLATION AGAINST AN EMPLOYER.

This bill provides important protection for workers against the loss of fundamental civil rights. It clarifies that these rights do not belong to a union or to management and so may not be waived by a labor organization.

The Connecticut Supreme Court has observed that deterring violations of individuals' civil rights is a public policy goal. Unlike wages and working conditions, civil rights actions are not really fitting subjects for collective bargaining. Employment discrimination or other civil rights violations are an assault against personal dignity. They have only an indirect connection to a labor organization. For this reason, State agencies like the CHRO were created to guard against the loss of these essential rights and freedoms. Even today, many civil rights violations such as hate crimes are still treated as a matter of State concern and carry criminal penalties.

The CHRO in no way wishes to see the collective bargaining process undermined or see collective bargaining agreements disrespected. HB 5234 does not do that. This bill simply ratifies this State's long held view that discrimination claims involve core values and that these values transcend collective bargaining. If civil rights are to be waived, the decision to surrender these rights should be made by the individual at risk. This bill will empower employees to make that choice.

The CHRO believes that this bill would gain in clarity if it specifically referenced employment discrimination claims under State and federal antidiscrimination law. HB 5234 correctly conforms the public policy of this state to do away with discrimination altogether which we believe is best achieved by allowing individuals to retain control over their right to bring a civil action.